
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

MARCUS J. ROYSTON,

Petitioner,

versus

WARDEN, FCC BEAUMONT MEDIUM,

Respondent.

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CIVIL ACTION NO. 1:25-CV-64

**MEMORANDUM ORDER OVERRULING PETITIONER’S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Petitioner Marcus J. Royston, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends denying and dismissing the above-styled petition.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge’s Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

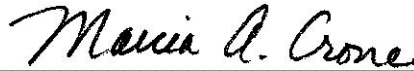
After careful consideration, the court concludes petitioner’s objections are without merit. A prior unsuccessful § 2255 motion or the inability to meet AEDPA’s “second or successive” requirement, does not make § 2255 inadequate or ineffective. *See Tolliver v. Dobre*, 211 F.3d 876, 878 (5th Cir. 2000). Petitioner has failed to satisfy the savings clause of 28 U.S.C. § 2241

by showing “unusual circumstances make it impossible or impracticable to seek relief in the sentencing court.” *Jones v. Hendrix*, 599 U.S. 465, 478 (2023). To the extent petitioner claims he is innocent, he has not established that actual innocence provides a gateway for review of claims raised in a § 2241 petition without satisfying *Jones*. See *Blake v. Smith*, No. 24-10249, 2024 WL 5244923 (5th Cir. Dec. 30, 2024). Therefore, the petition should be denied and dismissed.

ORDER

Accordingly, petitioner’s objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge’s recommendation.

SIGNED at Beaumont, Texas, this 25th day of June, 2025.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE